

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**RF TECHNOLOGIES CORPORATION,**

**et al.,**

**Plaintiffs**

**v.**

**APPLIED MICROWAVE TECHNOLOGY**

**INC., et al.,**

**Defendants**

**Civil No. 05-32-P-C**

**REPORT OF HEARING AND ORDER  
RE: DISCOVERY DISPUTE**

Held by telephone on Friday, July 1, 2005, at 9 a.m.

Presiding: David M. Cohen, United States Magistrate Judge

Appearances: For Plaintiffs: Susan G. L. Glovsky, Esq.  
Keith Wood, Esq.  
James Goggin, Esq.

For Defendants: Todd S. Holbrook, Esq.  
Kevin H. Collins, Esq.  
Sarah J. Gayer, Esq.

The dispute involved the adequacy of the plaintiffs' Rule 26(a)(1)(A) ("Rule") initial disclosures. Specifically, the defendants objected to the generic way in which the plaintiffs have indicated that the approximately eighty-eight individuals they have named in their initial disclosures are likely to have discoverable information that the plaintiffs may use to support their claims or defenses. As the defendants pointed out, with minor variation each of the named individuals is described as perhaps having "discoverable information that relates to the development of an industrial microwave system by defendant AMTek; to the claims of the complaint, including conversion, breach

of contract, misappropriation of trade secrets, unfair competition, and declaratory judgment; or to defenses to the counterclaims of the defendants.” The defendants sought an order requiring the plaintiffs to specify, as to each individual named, the subjects or categories and the specifically pleaded claims or counterclaims concerning which that individual might have discoverable information. The plaintiffs argued that the information already provided fully complies with the requirements of the Rule. After careful consideration of the arguments of both sides and a review of the Rule and relevant case law, I ruled in favor of the defendants and directed the plaintiffs to serve upon the defendants amended initial disclosures specifying, as to each individual named, the subjects or categories and the specifically pleaded claims or counterclaims concerning which that individual is likely to have discoverable information that the plaintiffs may use to support their claims or defenses, unless solely for impeachment. *See Sender v. Mann*, 225 F.R.D. 645 (D. Colo. 2004). The plaintiffs agreed to do so by July 14, 2005. The defendants likewise agreed to serve amended initial disclosures containing the same kind of information and to do so by the same deadline date.

***So Ordered.***

#### **CERTIFICATE**

- A. This report fairly reflects the actions taken at the Conference.
- B. The Clerk shall submit forthwith copies of this Report to counsel in this case.
- C. Counsel shall submit any objections to this report to the Clerk in accordance with Fed. R. Civ. P. 72.

Dated this 1st day of July, 2005.

/s/ David M. Cohen  
David M. Cohen  
United States Magistrate Judge